

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Shepperd Road, 1900' E of
Wesley Chapel Road
(2212 Shepperd Road)
10th Election District
6th Councilmanic District

John C. Birkenbach, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-233-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 2212 Shepperd Road, located in the vicinity of Monkton near My Lady's Manor. The Petition was filed by the owners of the property, John C. and Adrienne L. Birkenbach. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool and attached patio) to be located in the side and front yards in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affida-

ORDER RECEIVED FOR FILING

Date

By


MICROFILMED

vits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of February, 1995 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) and patio to be located in the side and front yards in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 2/1/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 1, 1995

Mr. & Mrs. John C. Birkenbach
2212 Shepperd Road
Monkton, Maryland 21111

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Shepperd Road, 1900' E of Wesley Chapel Road
(2212 Shepperd Road)
10th Election District - 6th Councilmanic District
John C. Birkenbach, et ux - Petitioners
Case No. 95-233-A

Dear Mr. & Mrs. Birkenbach:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File





Petition for Administrative Variance

95-233-A

to the Zoning Commissioner of Baltimore County

for the property located at 2212 Sheppard Rd., Monkton
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR) TO PERMIT
A PROPOSED POOL AND PATIO IN SIDE AND FRONT YARD IN LIEU OF
THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Building of pool at rear of house would be a hardship due to the slope of the land & the numerous trees that would have to be cut down.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

Legal Owner(s)

John C. Birkenbach

(Type or Print Name)

Signature

Adrienne C. Birkenbach

(Type or Print Name)

Adrienne C. Birkenbach

Signature

2212 Sheppard Rd 472 2122

Address

Phone No.

Monkton, Md. 21111

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 1/5/94

ESTIMATED POSTING DATE: 1/17/94



Printed with Soybean Ink
on Recycled Paper

ITEM #:

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2212 Sheppard Rd.
address
Monkton, Md. 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

Building of pool at rear of house would
be difficult due to the slope of
land + numerous trees that would have
to be cut down.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John C. Birkenbach
(signature)
John C. Birkenbach
(type or print name)



Adrienne L. Birkenbach
(signature)
Adrienne L. Birkenbach
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of November 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John C. & Adrienne L. Birkenbach

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11/21/94
date

George R. Walcott
NOTARY PUBLIC

My Commission Expires: Apr. 1. 1995

233

Zoning Description. 95-233-A

2212 SHEPPERD RD.

10TH ED.6TH CD.

BEGINNING AT A POINT ON THE NORTH SIDE OF
SHEPPERD ROAD (20 FT OF PAVING-) AT A
DISTANCE OF 1900 FT ± EAST OF THE INTERSECTION
OF WESLEY CHAPEL ROAD. THENCE NORTH 374',
NORTH 608.47 FT, S. 40.91 FT, S. 342 FT, S. 380 FT,
THEN ALONG SHEPPERD RD N. 262 FT BACK TO THE
POINT OF BEGINNING. BEING 5.335 ACRES. ~~BEING~~

J. C. Belcher

95-233-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 1/13/95

Posted for: Adm Variance

Petitioner: John & Adrienne Birkenbach

Location of property: 7212 Shepherd Rd, N/S

Location of Signs: Facing road way, on property being zoned

Remarks: (No Pds used)

Posted by: M. Healy Date of return: 1/20/95
Signature

Number of Signs: 1





Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-233-A

Account: R-001-6150

Number

233

App.

Date

1/5/94

1 RES VAR FILING	CODE 010	50.00
1 SIGN POSTING	CODE 080	35.00
	\$	<u>85.00</u>

BIRKENBACH

MICROFILMED

2212 SHEPPARD RD

RECEIVED
BALTIMORE COUNTY
JAN 11 1994

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 233

Petitioner: John C & Adrienn L Birkenbach

Location: 2212 Shepherd Rd 21111

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAME

ADDRESS: _____

PHONE NUMBER: 410 472 2122

AJ:ggs

RECORDED

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-233-A (Item 233)
2212 Shepperd Road
N/S Shepperd Road, 1900'+/- E of Wesley Chapel Road
10th Election District - 6th Councilmanic
Legal Owner(s): John C. Birkenbach and Adrienne L. Birkenbach

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before January 15, 1995. The closing date (January 30, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John and Adrienne Birkenbach



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 23, 1995

Mr. and Mrs. John Birkenbach
2212 Shepperd Road
Monkton, Maryland 21111

RE: Item No.: 233
Case No.: 95-233A
Petitioner: John Birkenbach, et ux

Dear Mr. and Mrs. Birkenbach:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 23, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Items 225, 226, 227, 229, 230, 231, 232, (233),
234, and 236

The Developers Engineering Section has reviewed
the subject zoning item and we have *(no)* comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: **233 (JLL)*

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free


Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 12, 1995

FROM: Pat Keller, Director 
Office of Planning and Zoning

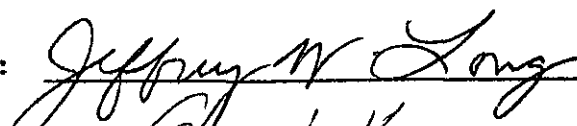
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 226, 227, 231, 233 and 236

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 17, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 225, 226, 227, 228,
231, 232 AND 233.

RECEIVED
JAN 17 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERHAUD
Fire Marshal Office, PHONE 887-4281, MS-1102F

cc File

microfilm



#233

To whom it may concern at the Baltimore County Zoning Department:

This letter advises you that we the undersigned have no objections to a pool to be built at the residence of: Mr. and Mrs. Jack Birkenbach located at 2212 Shepperd Road, Monkton, Maryland 21111.

We understand that a zoning variance is necessary for this pool to be built.

Very truly yours,

Name: JAMES W. CONSTABLE
Address: 2300 SHEPPARD RD. MONKTON, MD
Phone: 410 571-4508
Signature: [Signature]

Name: JERRY RICHARDSON
Address: 2234 SHEPPARD RD MONKTON MD. 21111
Phone: 472-2246
Signature: [Signature]

Name: John W. Hoover
Address: 2204 Sheppard Road Monkton MD 21111
Phone: 472-2326
Signature: [Signature]

Name: J. MARSHALL PERO
Address: 2200 MONKTON RD MONKTON MD 21111
Phone: 472-9031
Signature: [Signature]

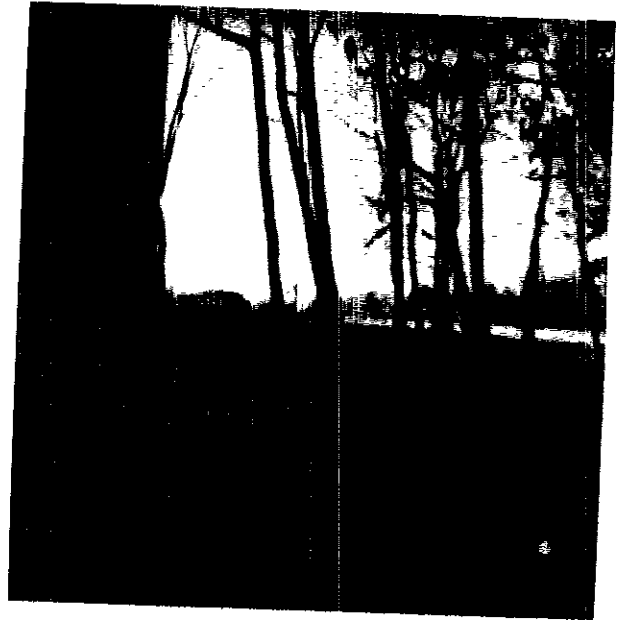
Name: D Maxwell Mace Jean C. Mace
Address: 16739 Wesley Chapel Rd. - Monkton 21111
Phone: 410-472-2850
Signature: [Signature]

* approval limited to dated 10/26/94. job #K 94-3957

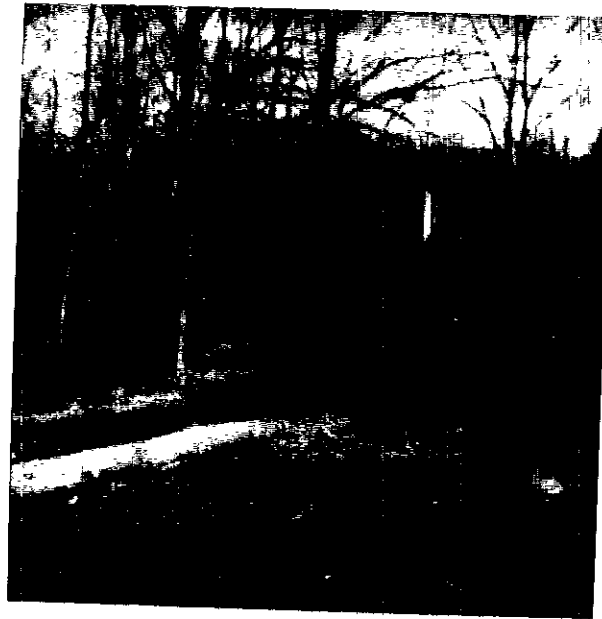
~~75-233-7~~
95-233-A



Front Pool x

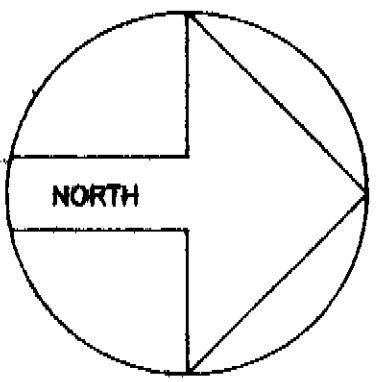


Back x Pool



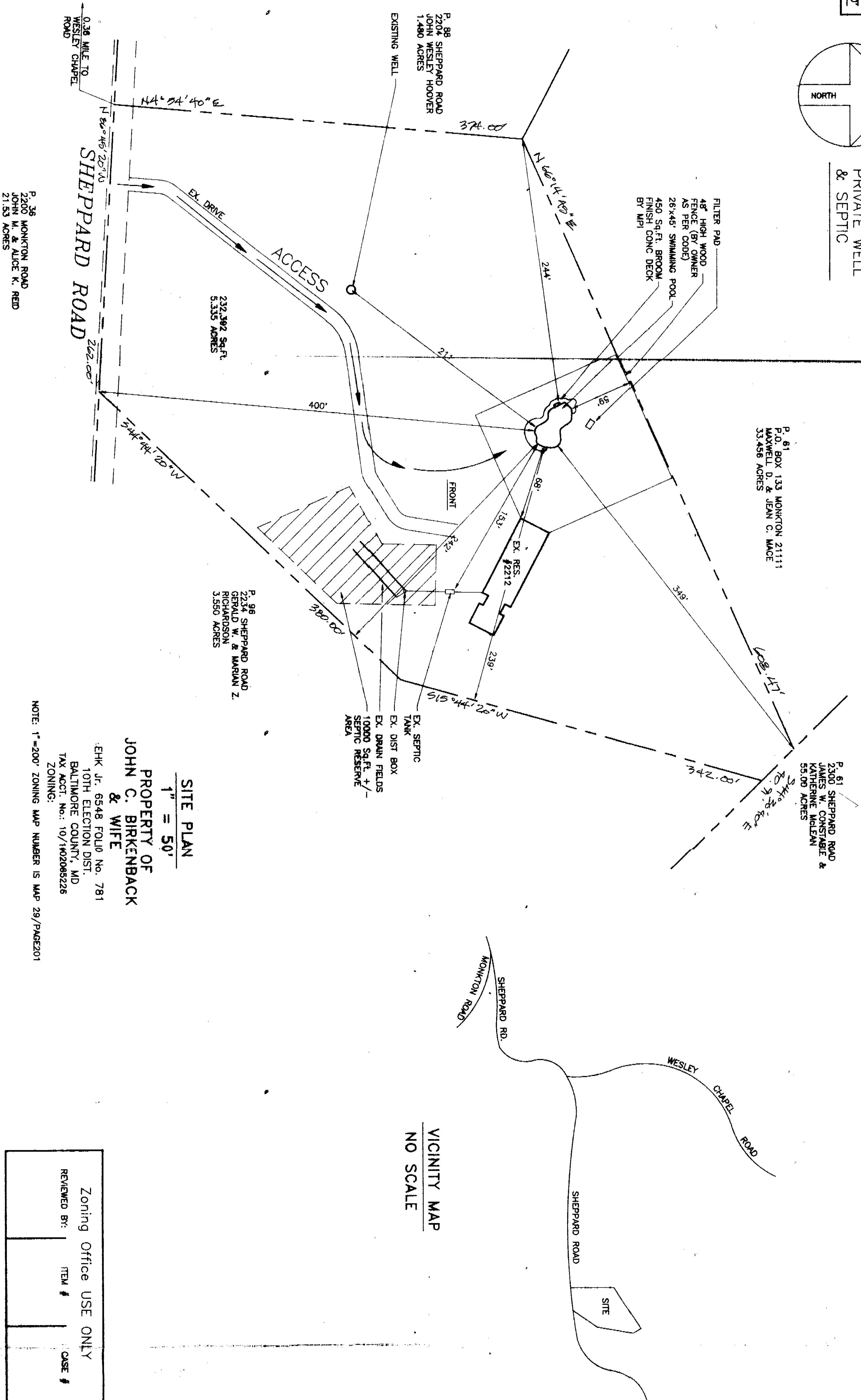
side of house
x Pool

SETBACKS: 6'
REAR PL. 6'
SIDE PL. 6'
HOUSE 17' A
SEPTIC 20'
WELL 30'



PRIVATE WELL
& SEPTIC

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



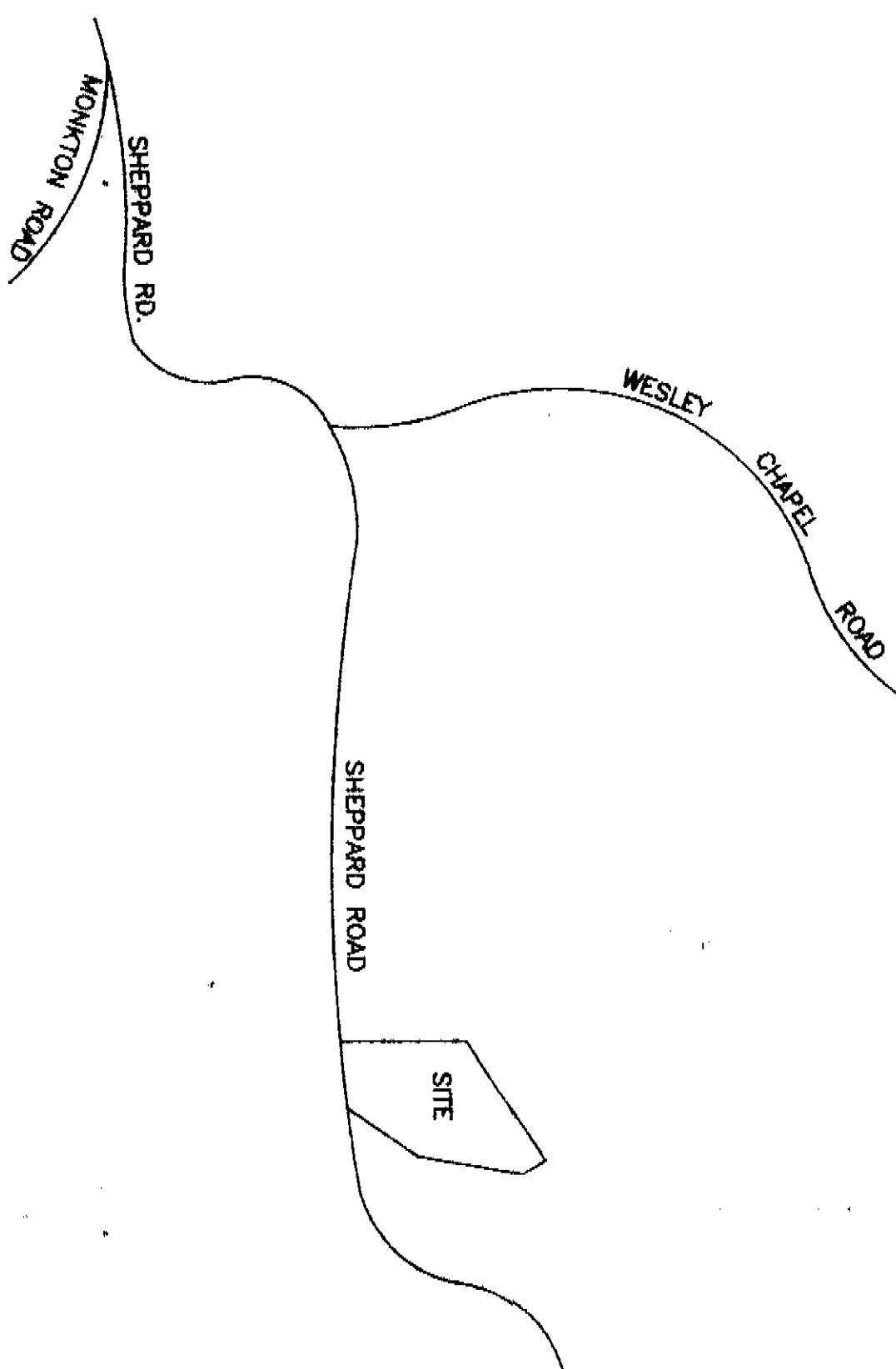
SITE PLAN
1" = 50'

PROPERTY OF
JOHN C. BIRKENBACK
& WIFE

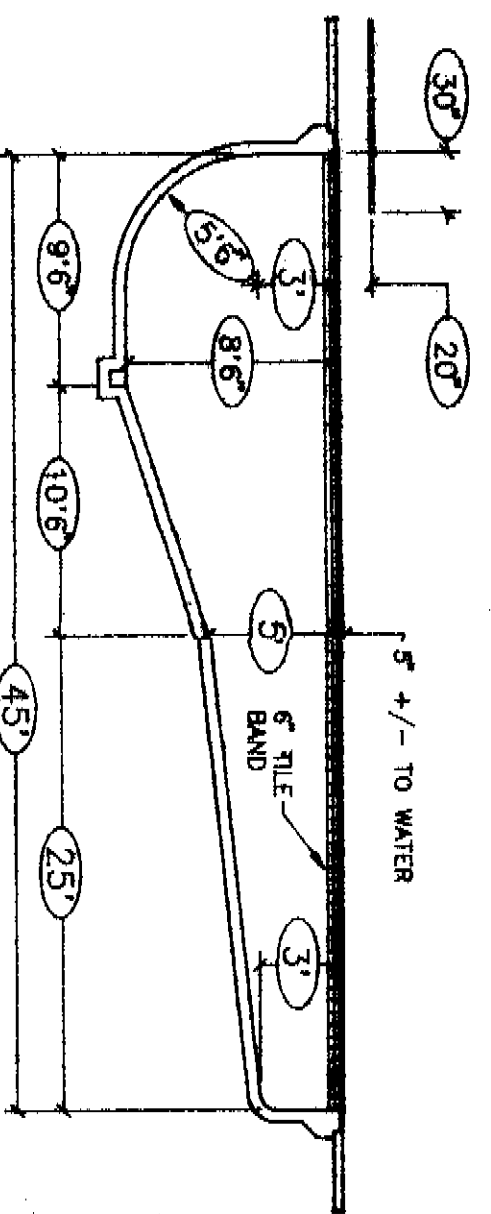
EHK Jr. 6548 FOLIO No. 781
10TH ELECTION DIST.
BALTIMORE COUNTY, MD
TAX ACCT. No.: 10/162085226
ZONING:

NOTE: 1"=200' ZONING MAP NUMBER IS MAP 29/PAGE201

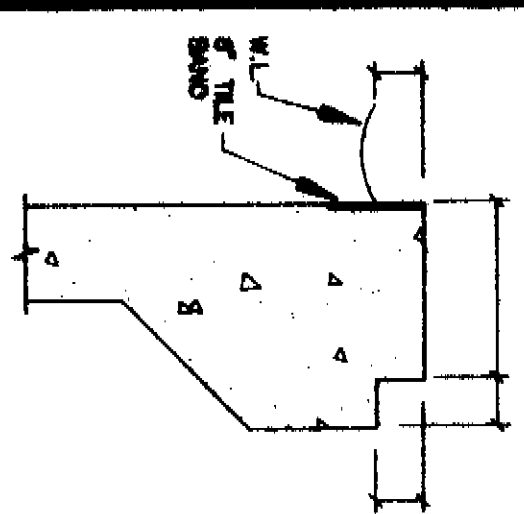
VICINITY MAP
NO SCALE



Cross Section POOL ELEVATION:



Bond Beam



Piping Schedule

Revisions

Zoning Office USE ONLY		
REVIEWED BY:	ITEM #	CASE #

GENERAL NOTES

- 1) FT. OF ELECTRIC IN CONTRACT.
- 2) POOL AREA TO BE FINISHED BY GATES TO BE SELF CLOSING & LATCHING PER COUNTY CODES.
- 3) STEPS TO HAVE 12" +/- TREADS & 8.25" RISERS, TOP TREAD TO 16".
- 4) DO NOT TURN POOL LIGHTS ON WHEN POOL IS EMPTY.
- 5) DO NOT USE BLACK RUBBER HOSE WHEN FILLING POOL, IT WILL MARK PLASTER & CORING.
- 6) WET DOWN CONCRETE SWELL AT LEAST TWICE DAILY FOR 7 DAYS WHEN TEMP. EXCEEDS 70 DEGREES.

SPECIAL NOTES

EXCAVATION CREW:

PLUMBING CREW:

STEEL CREW:

QUINTE CREW:

CORING & TILE:

DECK CREW:

PLASTER CREW:

EQUIPMENT LIST

DIRT: HAUL
TITLE: TBD
CORING: STANDARD 'SUIT SAYER'
STEPS: INCLD. STYLE: STD.
PLASTER: WHITE MARGELITE
FILTER: DE80 W/2HP PUMP & SEP. TANK
SAFETY EQ: INCLD.
CLEANING EQ: INCLD.
VACUUM EQ: INCLD.
DIVING EQ: 8' LONG
LADDERS: NONE
GRABBERS: NONE
LIGHTS: ONE
WATTS: 500 VOLTS: 120
HEATER: NONE
SPA: NONE
LOVESEAT: 6' LONG
DECKING: 450 SQ.FT. - BROOM FINISH CONC
POOL COVER- WINTER: NONE
SOLAR: NONE
FENCE: BY OWNER
OTHER ITEMS: P.C.C. 2000 CLEANING SYSTEM IONIZER UNIT

POOL DATA

SIZE: 26' x 45'
AREA- POOL: 800 SHAPE: MT. LAKE
TOTAL SQ.FT.: 800 OTHER:
PERIMETER- POOL: 120 OTHER:
GALLONAGE: 34,500

NAME: JACK AND ANNE BIRKENBACK

ADDRESS: 2212 SHEPPARD ROAD

CITY: MONKTON, MARYLAND, 21111

COUNTY: BALTIMORE ZONE: TWO

TELEPHONE - HOME: 410-000-0000

OFFICE:

SCALE: 1"=50'

DATE: OCTOBER 26, 1994

MARYLAND POOLS

8515 GERMAN LANE - SUITE 119
COLUMBIA, MARYLAND 21046
410-995-6800 BALTIMORE
301-621-3319 WASHINGTON

95-233-A



#233

95-233-A

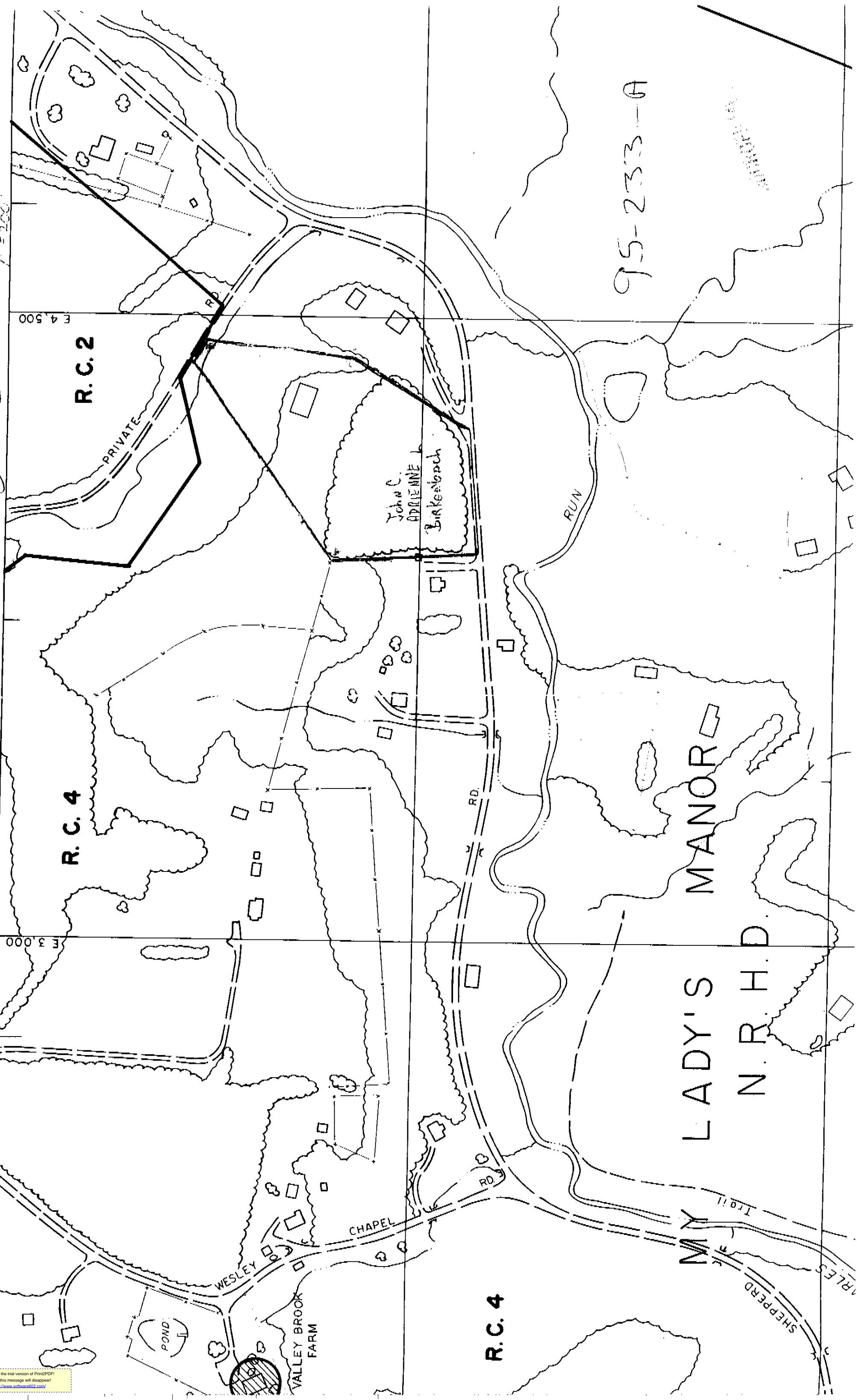
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MICROFILMED	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	MONKTON	26-A

233

NE 26-A
11/1/2000

(SHEET NE 27-A)



95-233-A

R.C. 4

R.C. 2

R.C. 4

LADY'S
N.R.H.D.

MANOR

John C.
ADRIENNE L.
Birkenbach

CHURCH

WESLEY

VALLEY BROOK
FARM

POND

RUN

MY
Toll

SHEPHERD

ARLES

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Shepherd Road, 1900' E of
Wesley Chapel Road
(2212 Shepherd Road)
10th Election District
6th Councilmanic District
John C. Birkenbach, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-233-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of February, 1995 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (swimming pool) and patio to be located in the side and front yards in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/15/95
By [Signature]

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 1, 1995

(410) 887-4386

Mr. & Mrs. John C. Birkenbach
2212 Shepherd Road
Monkton, Maryland 21111

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Shepherd Road, 1900' E of Wesley Chapel Road
(2212 Shepherd Road)
10th Election District - 6th Councilmanic District
John C. Birkenbach, et ux - Petitioners
Case No. 95-233-A

Dear Mr. & Mrs. Birkenbach:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

☒ file

Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 2212 Shepherd Rd, Monkton
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (B.C.R.) TO PERMIT A POOL AND PATIO IN SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Building of pool at rear of house would be a hardship due to the slope of the land & the numerous trees that would have to be cut down.
Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased/Leased _____
(Type or Print Name)
Signature _____
Address _____
City _____ State _____ Zipcode _____
By Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City _____ State _____ Zipcode _____
Name Address and phone number of representative to be contacted: _____
Name _____ Address _____ Phone No. _____
Name _____ Address _____ Phone No. _____

ORDER RECEIVED FOR FILING
Date 1/15/95
By [Signature]

Public Hearing has been requested and/or found to be required by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, on the subject matter of the petition for a public hearing, adjustment, or requested by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

By _____
Zoning Commissioner of Baltimore County

ESTIMATED FILING DATE: 1/17/95
ITEM # _____

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 2212 Shepherd Rd
Monkton, Md. 21111

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Building of pool at rear of house would be difficult due to the slope of land & numerous trees that would have to be cut down

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
John C. Birkenbach
Type or print name

[Signature]
Adrienne L. Birkenbach
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of NOVEMBER, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN C. & ADRIENNE L. BIRKENBACH

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief

AS WITNESS my hand and Notarial Seal

11/21/94
Date

My Commission Expires: Apr. 1, 1995

[Signature]
Notary Public

233
Zoning Description 95-233-A
2212 SHEPHERD RD.
10TH ED.
6TH CD.

BEGINNING AT A POINT ON THE NORTH SIDE OF SHEPHERD ROAD (20 FT. OF PAVING) AT A DISTANCE OF 1900 FT. EAST OF THE INTERSECTION OF WESLEY CHAPEL ROAD THENCE NORTH 374' NORTH 608.47 FT, S. 40.91 FT, S. 342 FT, S. 380 FT THEN ALONG SHEPHERD RD N. 262 FT. BACK TO THE POINT OF BEGINNING. BEING 5.335 ACRES.

J. C. Birkenbach

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 1/15/95
Posted for: Admin. Variance
Petitioner: John C. & Adrienne L. Birkenbach
Location of property: 2212 Shepherd Rd, N/S
Location of Sign: Front yard, on N. side, being 200 ft.
Remarks: (No. P.O. used)
Posted by: [Signature] Date of return: 1/29/95
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-233-A

1/15/95
1 RES. VAR. FILING CODE 010 50.00
1 SIGN POSTING CODE 080 35.00
\$ 85.00

BIRKENBACH
2212 SHEPHERD RD.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JARLO, DIRECTOR

For newspaper advertising:

Item No.: 233
Petitioner: John C. & Adrienne L. Birkenbach
Location: 2212 Shepherd Rd 21111

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAME
ADDRESS: _____

PHONE NUMBER: 410 472 2122

AJ:ggg

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-233-A (Item 233)
2212 Sheppard Road
W/O Sheppard Road, 1900 1/2 - E of Wesley Chapel Road
10th Election District - 6th Councilmanic
Legal Owner(s): John C. Birkenbach and Adrienne L. Birkenbach

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 15, 1995. The closing date (January 30, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Arnold Jablon
Director

cc: John and Adrienne Birkenbach

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 23, 1995

Mr. and Mrs. John Birkenbach
2212 Sheppard Road
Monkton, Maryland 21111

RE: Item No.: 233
Case No.: 95-233A
Petitioner: John Birkenbach, et ux

Dear Mr. and Mrs. Birkenbach:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 5, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties: i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

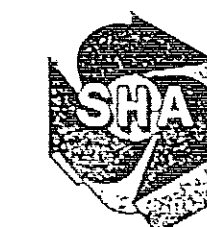
TO: Arnold Jablon, Director DATE: January 23, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Items 225, 226, 227, 229, 230, 231, 232, 233,
234, and 236

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: # 233 (JLL)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 12, 1995
Zoning Administration and
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 226, 227, 231, 233, and 236

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kerns*

PK/JL

ITEM226/PZONE/TKJWL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTED IN MEETING OF JAN. 17, 1995

Item No.: SEE BELOW Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be connected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 225, 226, 227, 229, 231, 232 AND 233.

RECEIVED
JAN 17 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE 887-4281, MS-110EF

cc: File

Printed on Recycled Paper

To whom it may concern at the Baltimore County Zoning Department:

This letter advises you that we the undersigned have no objections to a pool to be built at the residence of Mr and Mrs. Jack Birkenbach located at 2212 Sheppard Road, Monkton, Maryland 21111.

We understand that a zoning variance is necessary for this pool to be built.

Very truly yours,

Name: *James H. Constantine*
Address: *2212 Sheppard Rd Monkton, MD*
Phone: *410-221-4108*
Signature: *James H. Constantine*

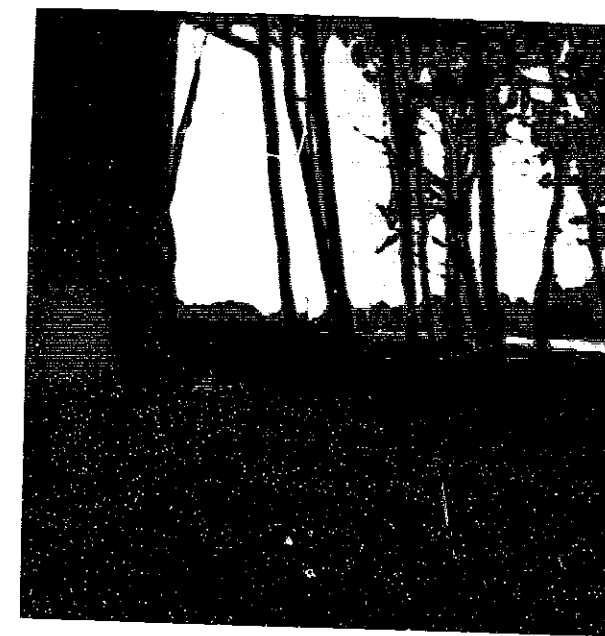
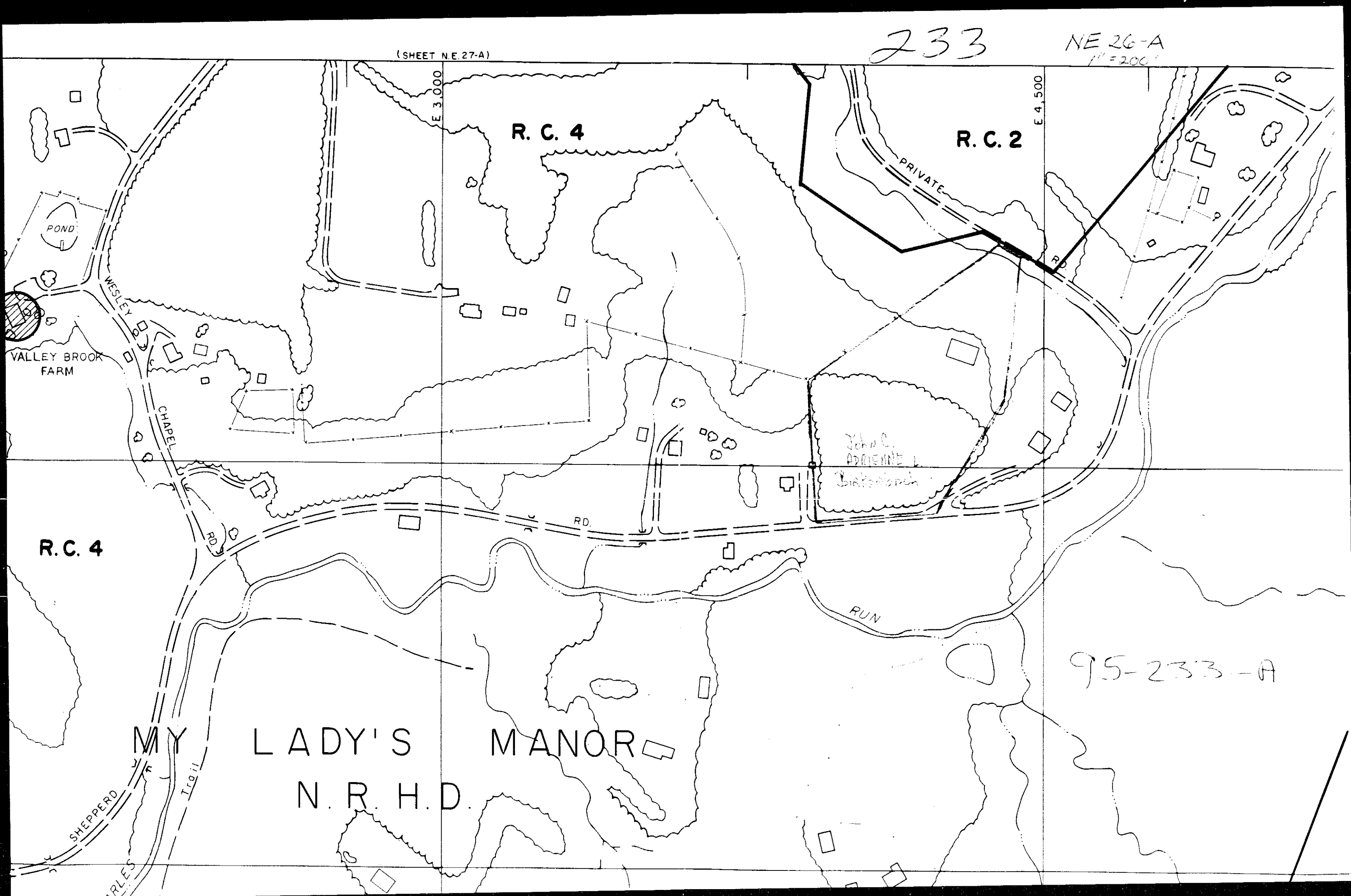
Name: *James Richardson*
Address: *2212 Sheppard Rd Monkton MD 21111*
Phone: *410-221-4108*
Signature: *James W. Richardson*

Name: *John N. Hoover*
Address: *2212 Sheppard Road Monkton MD 21111*
Phone: *410-221-4108*
Signature: *John N. Hoover*

Name: *J. Marshall Moore*
Address: *2212 Sheppard Rd Monkton MD 21111*
Phone: *410-221-4108*
Signature: *J. Marshall Moore*

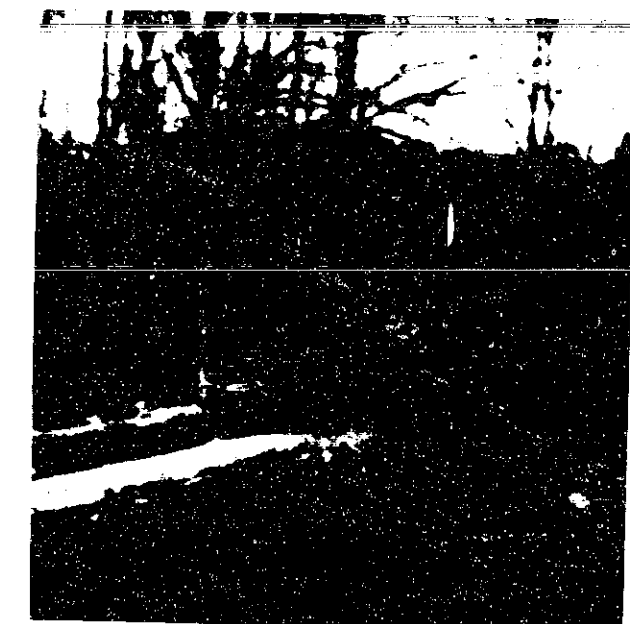
Name: *D. Marshall Moore*
Address: *14759 Wesley Chapel Rd Monkton MD*
Phone: *410-472-2546*
Signature: *D. Marshall Moore*

* Approval limited to dated 10/26/94 and PK 94-3954



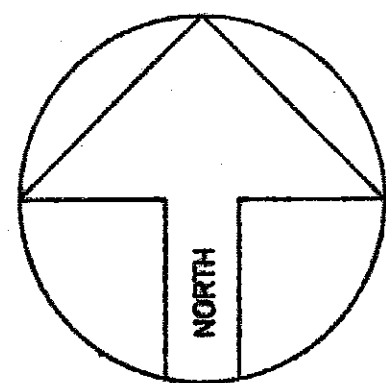
Front Porch

Back of road



Side of house
X Road

SETBACKS:
REAR PL. 6'
SIDE PL. 6'
HOUSE N/A
SEPTIC 20'
WELL 30'

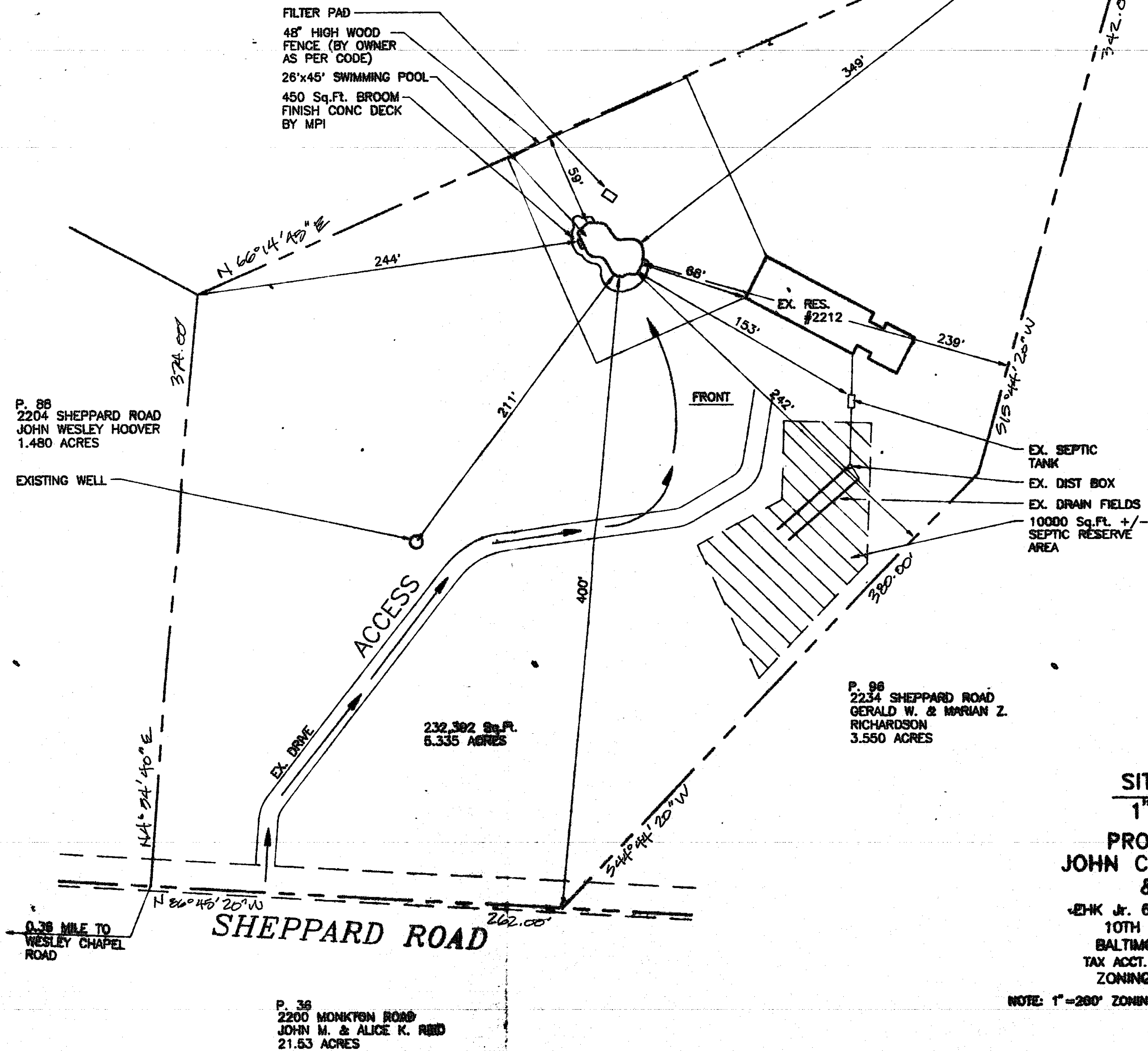


PRIVATE WELL
& SEPTIC

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

P. 61
P.O. BOX 133 MONKTON 21111
MAXWELL D. & JEAN C. MACE
33.456 ACRES

P. 61
2300 SHEPPARD ROAD
JAMES W. CONSTABLE &
KATHERINE McLEAN
55.00 ACRES



SITE PLAN
1" = 50'
PROPERTY OF
JOHN C. BIRKENBACK
& WIFE

24K Jr. 6548 FOLIO No. 781
10TH ELECTION DIST.
BALTIMORE COUNTY, MD
TAX ACCT. No.: 10/1002065226
ZONING:

NOTE: 1"=200' ZONING MAP NUMBER IS MAP 29/PAGE201

VICINITY MAP
NO SCALE

Zoning Office USE ONLY

REVIEWED BY: ITEM # CASE #

GENERAL NOTES

- 1) FT. OF ELECTRIC IN CONTRACT.
- 2) POOL AREA TO BE FENCED BY . GATES TO BE SELF CLOSING & LATCHING PER COUNTY CODES.
- 3) STEPS TO HAVE 12" +/- TREADS & 8.25" RISERS. TOP TREAD TO 18".
- 4) DO NOT TURN POOL LIGHTS ON WHEN POOL IS EMPTY.
- 5) DO NOT USE BLACK RUBBER HOSE WHEN FILLING POOL. IT WILL MARK PLASTER & COPING.
- 6) WET DOWN CONCRETE SHELL AT LEAST TWICE DAILY FOR 7 DAYS WHEN TEMP. EXCEEDS 70 DEGREES.

SPECIAL NOTES

EXCAVATION CREW:

PLUMBING CREW:

STEEL CREW:

GUNITE CREW:

COPING & TILE:

DECK CREW:

PLASTER CREW:

EQUIPMENT LIST

DIRT: HAUL
TILE: TBD
COPING: STNADARD 'SUIT SAVER'
STEPS: INCLD. STYLE: STD.
PLASTER: WHITE MARBELITE
FILTER: DE60 W/2HP PUMP & SEP. TANK

SAFETY EQ: INCLD.
CLEANING EQ: INCLD.
VACUUM EQ: INCLD.
DIVING EQ: 8' LONG
LADDERS: NONE
GRABRAILS: NONE
LIGHTS: ONE
WATTS: 500 VOLTS: 120
HEATER: NONE
SPA: NONE
LOVESEAT: 8' LONG
DECKING: 450 Sq.Ft. - BROOM FINISH CONC
POOL COVER- WINTER: NONE
SOLAR: NONE
AUTO: NONE

FENCE: BY OWNER
OTHER ITEMS: P.C.C. 2000 CLEANING SYSTEM
IONIZER UNIT

HOURS GRABING IN CONTRACT: ONE

POOL DATA

SIZE: 28' x 45' SHAPE: MT. LAKE
AREA- POOL: 800 OTHER:
TOTAL Sq.Ft.: 800
PERIMETER- POOL: 120 OTHER:
GALLONAGE: 34,500

NAME: JACK AND ADRIENNE BIRKENBACK

ADDRESS: 2212 SHEPPARD ROAD

CITY: MONKTON, MARYLAND, 21111

COUNTY: BALTIMORE ZONE: TWO

TELEPHONE - HOME: 410-000-0000

OFFICE:

SCALE: 1"=50' DRAWN BY: JSK

DATE: OCTOBER 26, 1984 JOB NO: JK94-3857

Both Customer and Salesman agree that this drawing, access, elevation & location of all equipment and appurtenances are in agreement. Any changes from this drawing must be approved in writing by the Customer and MPI.

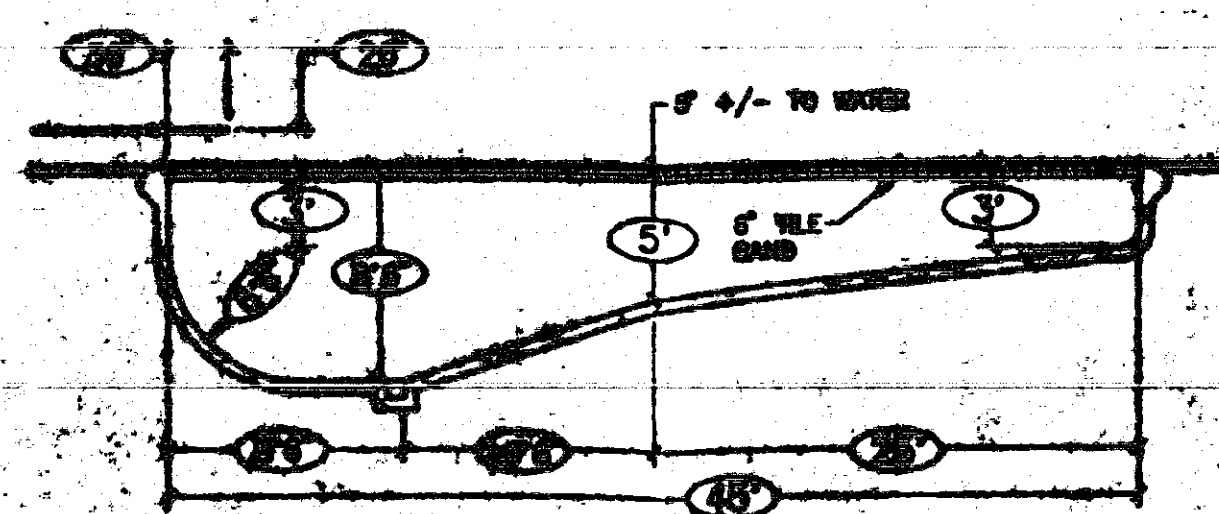
CHECKED BY - SALESMAN
CHECKED BY - CUSTOMER

DIRECTIONS:

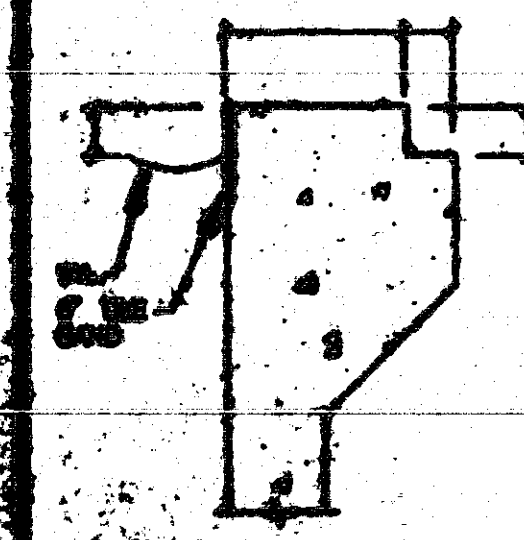
I-85 NORTH TO I-695 NORTH (TOWARD TOWSON) FOLLOW TO I-83 NORTH (HARRISBURG EXPRESSWAY) CONTINUE TO EXIT ONTO MT CARMEL ROAD. VEER RIGHT OFF RAMP TO A RIGHT TURN ONTO YORK ROAD. FOLLOW TO A QUICK LEFT ONTO MONKTON ROAD. CONTINUE 2-3 MILES TO A LEFT AT FORK ONTO SHEPPARD ROAD (JUST PAST GUNPOWDER FALLS). FOLLOW TO SITE ON LEFT JUST WESLEY CHAPEL ROAD. 2212 SHEPPARD ROAD

MAP BOOK:
Co.: BALTO
MAP 8
GRID D13

Cross Section POOL ELEVATION:



Bond Beam



Piping Schedule

Revisions

233

MARYLAND POOLS

5515 GORDON LANE - SUITE 110
COLUMBIA, MARYLAND 21046
410-885-8800 BALTIMORE
301-621-3319 WASHINGTON

PET. EX. 1

95-233-A



95-233-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MONKTON

SHEET

N. E.

26-A